S.B.CIVIL WRIT PETITION No.5775/2001
BHAIRAV GRAH NIRMAN SAHKARI SAMITI Ltd. JAIPUR V/s
SECRETARY OF URBAN DEVELOPMENT HOUSING & TOWN
PLANNING DEPARTMENT & Ors.

5.2.2007

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Shri Damodar Mishra for the petitioner.
Shri Mahendra Goyal for the respondents.

The dispute raised by the petitioner is that so far as the land covered by Khasra No.132/1 of revenue village Beed Khatipura, Jaipur, is concerned, the same is not covered in notifications Annex. 2, 3 and 4. Learned counsel for the petitioner has raised this argument on the premises that as per Annex. 5 issued by the J.D.A which is a letter written by the Secretary, J.D.A., Jaipur, to Deputy Secretary to the Government in its department of Urban Development Housing, the land of the petitioner does not fall within the boundary of Prithviraj Scheme.

A perusal of the notification dated 13.11.1997 issued u/s 4 and notice dated 19.6.2001 issued u/s 9 and 10 of the Land Acquisition Act,1894 which have been filed with the petition, it is borne out that the Khasra No. 132/1 is very much mentioned

therein. Even otherwise, this court in exercise of its writ jurisdiction cannot determine the factual dispute whether a particular piece of land is included or not, within the boundary of the Prithaviraj Scheme notified by the respondents. Once the land bearing Khasra No.132/1 is found to have been included in various notices issued by the respondents, that should be taken as conclusive proof of the fact as to inclusion of the disputed land. I therefore do not find any merit in the writ petition.

This writ petition is dismissed with no order as to costs.

(Mohammad Rafiq),J.

Chauhan/